

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
FEBRUARY 28, 2005

**D045697        In re Gonzalez on Habeas Corpus**

The petition and request are denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MARCH 1, 2005

**D044429        People v. Hopkins, Jr.**

The judgment is affirmed. Nares, Acting P.J.; I Concur: O'Rourke, J.; I Concur in the Result: Haller, J.

**D043783        Velasquez et al. v. Filmex, Inc.**

The order is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D045300        People v. Thompson**

The judgment of conviction is affirmed. The judgment is modified to vacate the sentence. The case is remanded with directions to comply with the terms of the plea agreement or allow Thompson to withdraw his plea. McConnell, P.J.; We Concur: Nares, J., Haller, J.

**D044878        People v. White**

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D045782        In re Marriage of Ewing**

Pursuant to California Rules of Court, rule 8, the appeal filed January 18, 2005, is dismissed for appellant's failure to timely designate the record.

**D045085        North American Specialty Insurance Company v. Certain Underwriters at Lloyds of  
London of Policy 618-991635001-047**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MARCH 2, 2005

**D044212        Bouzan et al. v. Diedel et al.**

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D044683        People v. Chow**

The superior court is directed to issue a new abstract of judgment correcting the clerical error specified in Part III(D) of this opinion. The judgment is affirmed as so modified. Aaron, J.;  
I Concur: Huffman, Acting P.J., I Concur in the Result: McDonald, J.

**D043337        People v. Haisha**

The judgment is affirmed as modified to correctly reflect the true findings on the two enhancements attached to count 5 to be under section 11370.2, subdivision (a). The trial court is directed to prepare an amended abstract of judgment reflecting such corrections and to forward a certified copy of the amended/corrected abstract to the Department of Corrections. Huffman, J.;  
We Concur: Benke, Acting P.J., McDonald, J.

**D044917        People v. Camacho**

The order is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D045316        People v. Banks**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D045705        In re Player on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MARCH 3, 2005

**D045462        In re Angelica W., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: Haller, Acting P.J., Aaron, J.

**D043159        People v. Rucker**

It is ordered that the opinion on rehearing, certified for partial publication, filed herein on February 15, 2005, be modified as follows. (See order.) There is no change in judgment. Appellant's petition for rehearing is denied.

**D045829        Hilton Hotels Corp. v. Superior Court of San Diego County/Cohen**

The petition is denied. The stay issued February 2, 2005 is vacated.

**D044268        Schuster v. Gardner et al.**

The judgment is affirmed. The defendants are entitled to costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

**D042461        People v. Palacios**

The petition for rehearing is denied.

**D043394        People v. Emick**

It is ordered that the opinion filed on February 2, 2005, be modified as follows. (See order). There is no change in judgment. The petition for rehearing is denied.

**D044192        People v. Morris**

Morris's petition for rehearing is denied. The People's petition for rehearing is denied. The opinion filed on February 3, 2005, is modified. No change in judgment.

**D045624        Remedy Intelligent Staffing, Inc. v. Superior Court of San Diego County/Welch-Hess et al.**

The petition is denied.

**D044337        People v. Rosales**

The judgment is affirmed except the probation condition "Not affiliate or associate with any identifiable gang members, and stay away from places where such persons congregate" is stricken. McDonald, J.; We Concur: McConnell, P.J., Huffman, J.

**D044687        People v. Vallejo**

The judgment is affirmed but for probation conditions listed under section 10 of the order granting probation. The conditions listed as gang conditions are stricken. The matter is remanded for determination whether the trial court desires to impose, as general conditions, any of the conditions currently identified as gang conditions. Huffman, J.; We Concur: Benke, Acting P.J., Irion, J.

**D045057        People v. Figueroa**

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Irion, J.

**D045388        In re Abigail H. et al., Juveniles**

The appeal is dismissed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MARCH 3, 2005 (Continued)

**D043715        In re Manuel G., a Juvenile**

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MARCH 4, 2005

**D044324        People v. Alonso**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Irion, J.

**D045706        In re Valdez on Habeas Corpus**

The petition is denied.

**D043448        Johnson et al. v. City of San Diego et al.**

Judgment affirmed in part and reversed in part. Each party to bear its own costs. Haller, J.;  
We Concur: Nares, Acting P.J., O'Rourke, J.

**D043758        People v. Garrido**

The appeal is dismissed without prejudice to any rights appellant may have to relief by way of a petition  
for writ of habeas corpus. CERTIFIED FOR PUBLICATION. Huffman, J.;  
We Concur: Benke, Acting P.J., Aaron, J.

**D045704        In re Graves on Habeas Corpus**

The petition is denied.

**D045939        People v. Simpson**

In that no appealable order or judgment has yet been entered, the notice of appeal is premature. The  
appeal is dismissed without prejudice to refiling a notice of appeal after an order or judgment has been  
entered.

**D045549        Basie & Fritz v. Houston**

Pursuant to California Rules of Court, rule 8, the appeal filed December 2, 2004, is dismissed for  
appellant's failure to properly designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

**D045733        In re Masters on Habeas Corpus**

The petition is denied.

**D045741        In re Lionel Scott on Habeas Corpus**

The petition is denied.

**D045550        Western Light Source, Inc. v. Brookwood Kearny Mesa Investors, LLC. et al.**

Upon written request filed by appellant, the appeal is DISMISSED as to respondent Brookwood Kearny  
Mesa Investors, LLC., ONLY and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule  
20 (c)(2)) as to respondent Brookwood Kearny Mesa Investors, LLC., ONLY.

**D045718        In re McNeal on Habeas Corpus**

The petition is denied.

**D045848        People v. Fuentes**

The petition for writ of supersedeas is granted.